



DT13 R PCT/PTO 08 APR 2003 PCT. PATENT

Case Docket No. DAIRY71.001APC
Date: April 3, 2003

Box 509

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#8

Applicants : Schlothauer et al.
App. No. : 10/070,406
Filed : March 6, 2002
For : IMPROVED BIOACTIVE WHEY
PROTEIN HYDROLYSATE
Group Art Unit : 1644

) I hereby certify that this correspondence and all
) marked attachments are being deposited with the
) United States Postal Service as first class mail in
) an envelope addressed to: United States Patent
) and Trademark Office, P.O. Box 2327, Arlington,
) VA 22202, on

April 3, 2003

(Date)

Andrew N. Merickel, Reg. No. 33,317

TRANSMITTAL LETTER

United States Patent and Trademark Office
P.O. Box 2327
Arlington, VA 22202

Dear Sir:

In response to the Notification of Defective Response of Application Under 37 CFR 1.494, which was mailed by the Office on March 6, 2003, enclosed are:

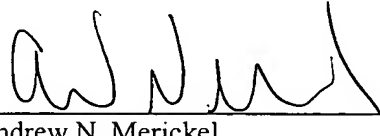
- (X) Preliminary Amendment;
- (X) Sequence Submission Statement;
- (X) Substitute Sequence Listing in 2 pages;
- (X) Substitute Sequence Listing in computer readable form;
- (X) Copy of Notification of Defective Response with markings in RED correcting the name of the first named Applicant;
- (X) An Information Disclosure Statement;
- (X) A PTO Form 1449 with 1 reference;
- (X) The Commissioner is hereby authorized to charge any additional fees which may be required, now or in the future, or credit any overpayment, to Account No. 11-1410.

PATENT

Case Docket No. DAIRY71.001APC

Date: April 3, 2003

(X) A return prepaid postcard.



Andrew N. Merickel

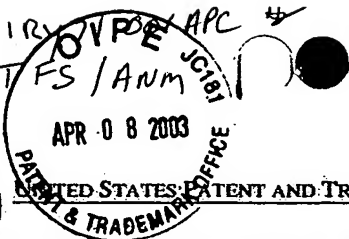
Registration No. 53,317

Attorney of Record

Customer No. 20,995

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UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT
 United States Patent and Trademark Office
 Washington, D.C. 20231
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/070,406	Ralf-Christian Schlotter SCHLOTTER	DAIRY 71.001APC
INTERNATIONAL APPLICATION NO.		
PCT/NZ01/00188		
I.A. FILING DATE	PRIORITY DATE	
09/11/2001		

Knobbe Martens Olson & Bear
 620 Newport Center Drive
 Sixteenth Floor
 Newport Beach, CA 92660

CONFIRMATION NO. 6927

371 FORMALITIES LETTER



OC000000009595583

Date Mailed: 03/06/2003

NOTIFICATION OF DEFECTIVE RESPONSE

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated Office (37 CFR 1.494):

- U.S. Basic National Fee
- Biochemical Sequence Diskette
- Biochemical Sequence Listing
- Copy of the International Application
- Copy of the International Search Report
- Oath or Declaration
- Request for Immediate Examination

Applicant's response filed 10/07/2002 is hereby acknowledged. The following requirements set forth in the NOTIFICATION of MISSING REQUIREMENTS mailed 07/03/2002 have not been completed.

Applicant is required to complete the response within a time limit of ONE MONTH from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements, whichever is the longer. No extension of this time limit may be granted under 37 CFR 1.136, but the period for response set in the Notification of Missing Requirements may be extended under 37 CFR 1.136(a).

The following items **MUST** be furnished within the period set forth below:

- The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821-1.825 for the following reason(s):
 - A copy of the "Sequence Listing" in computer readable form has been submitted. The content of the computer readable form, however, does not comply with the requirements of 37 CFR 1.822 and/or 1.832, as indicated on the attached marked-up copy of the "Raw Sequence Listing."
 - The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A substitute

computer readable form must be submitted as required by 37 CFR 1.825(d).

■ **APPLICANT MUST PROVIDE:**

- An initial or substitute computer readable form (CRF) of the "Sequence Listing."
- An initial or substitute paper copy or compact disc of the "Sequence Listing," as well as an amendment directing its entry into the specification.

● For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

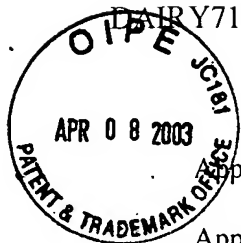
*A copy of this notice **MUST** be returned with the response.*

ANITA D JOHNSON

Telephone: (703) 305-3661

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/070,406	PCT/NZ01/00188	DAIRY 71.001APC



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PATENT

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App. No. : 10/070,406)
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PROTEIN HYDROLYSATE)
Group Art Unit : 1644)

PRELIMINARY AMENDMENT

United States Patent and Trademark Office
P.O. Box 2327
Arlington, VA 22202

Dear Sir:

In response to the Notification of Defective Response mailed on March 6 2003, setting a one-month term, Applicants hereby request the entry of the substitute "Sequence Listing" submitted herewith into the specification, starting on a new page, immediately following the claims. The present substitute Sequence Listing serves to replace the Sequence Listing filed on March 6, 2002, and does not include new matter.

Applicants would like to point out that the First Named Applicant listed on the Notification of Defective Response is incorrect. The correct First Named Applicant is Ralf-Christian Schlothauer, as indicated in RED.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: April 3, 2003

By: 

Andrew N. Merickel
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Attorney of Record
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